

No. 02-3968

[UNPUBLISHED]

Submitted: July 30, 2003
Filed: August 5, 2003

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Jessica Schepers appeals the district court's* order dismissing Schepers's complaint for lack of subject matter jurisdiction. Upon careful review, we agree Schepers's federal complaint was effectively an attempt to re-litigate state proceedings and bring legal malpractice claims against her former attorney. See Lemonds v. St. Louis County, 222 F.3d 488, 492 (8th Cir. 2000) (de novo standard of review; lower federal courts lack subject matter jurisdiction over challenges to nonhabeas state court judgments), cert. denied, 531 U.S. 1183 (2001); DeSantiago v. Laborers Int'l Union Local No. 1140, 914 F.2d 125, 127 n.2 (8th Cir. 1990) (federal courts lack jurisdiction to review claims arising only under state law where parties lack diversity of citizenship); Harkins v. Eldredge, 505 F.2d 802, 803 (8th Cir. 1974) (per curiam) (conduct of counsel in representing client does not constitute action under color of state law for purposes of 42 U.S.C. § 1983). To the extent Schepers is arguing she should have been given an opportunity to amend her complaint, she has not explained how amending her complaint would confer federal jurisdiction over her claims. See Wald v. Southwestern Bell Corp. Customcare Med. Plan, 83 F.3d 1002, 1005 (8th Cir. 1996) (leave to amend may be denied based on futility).

*The Honorable James M. Rosenbaum, Chief Judge, United States District Court for the District of Minnesota, adopting the report and recommendations of the Honorable Susan Richard Nelson, United States Magistrate Judge for the District of Minnesota.

Accordingly, we affirm. See 8th Cir. R. 47B. Schepers's pending motions are denied.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.